

REVIEWS AND ANNOTATIONS

Tomášek, Michal. Kapesní česko-čínský/čínsko-český právní slovníček. 袖珍捷汉/汉捷法律词汇. Plzeň, Vydavatelství a nakladatelství Aleš Čeněk, 2014, 110 s. [Czech-Chinese and Chinese-Czech Practical Legal Dictionary. Plzeň, The publishers Aleš Čeněk, 2014, 110 pp.]

This dictionary is a seemingly modest but important initial contribution to Czech-Chinese legal lexicography. The dictionary, as the author suggests in his preface, is a result of extensive research into the terminology of major legal branches – constitutional law, civil law, criminal law and administrative law. The main objective for selecting individual entries was to provide terminology which seems to be most relevant in Czech-Chinese contacts and legal communication with Chinese partners.

It is apparent that the arrangement of entries is not incidental or random. It is based upon a deeper and well-grounded methodology, which clearly suggests that the author relies not only on his theoretical lexicographic background, but also, and primarily, on his deep knowledge of Chinese law, his long-lasting personal experience in Chinese society and his engagement in official Czech-Chinese dealings.

The pocket-size of the dictionary limits the scope of included Czech and Chinese legal terminology. The selection of terms was based primarily upon the frequency of occurrence of the individual terms in transactions and communication between China and the Czech Republic; archaic and geographically restricted terms were omitted, i.e. terms applicable solely to Czech law or Chinese law are excluded. Included entries are considered only as legal terms, i.e. only their legal equivalents are provided irrespective of their other meanings in general language. The dictionary was made as a translational dictionary, i.e. it does not contain definitions of terms, but provides only their translational equivalents.

What will be appreciated by users of the dictionary is the arrangement of individual entries: the Czech-Chinese part is arranged alphabetically, as is the tradition in similar types of dictionaries; however, the Chinese-Czech part is arranged not according to the regular sequence of Chinese signs but according to the English transcription of their Chinese pronunciation.

The dictionary is the first legal lexicographical contribution to the development of contacts between China and the Czech Republic; let us hope it will be followed by more extensive lexicons focusing on individual branches of law from a comparative legal perspective.

Marta Chromá*

Adamová, Karolina, Lojek, Antonín. Právníci doby rudolfínské. Praha: Ústav státu a práva AV ČR, 2013, 120 s. [The Lawyers of RudolFINE AGE. Prague: Institute of State and Law of the Academy of Sciences of the Czech Republic, 2013, 120 pp.]

Before discussing the reviewed book it is important to stress the importance of the reign of Rudolf II for further development of science, arts and not least of all literature. This period was in the history of the Czech lands one of the most important periods as humanism flourished not only in arts but also in legal thought, theory and practice.

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Rudolf's historical legacy has often been viewed by historians, in three rather simplified ways: an ineffectual ruler whose mistakes led directly to the Thirty Years' War; a great and influential patron of Northern Mannerist art; and a supporter of occult arts and learning which helped to fuel the scientific revolution. Nevertheless more recently historians have re-evaluated this widespread belief and see his patronage of the arts and occult sciences as a significant part of the Renaissance, while his political failures are seen less critically and more as an attempt to create a unified Christian empire, which was undermined by the realities of religious, political and intellectual disintegrations of the time of his rule. Moreover in this connection we should stress the importance of his reign also for the development of law, legal thought and theory that influenced further development.

The reviewed book deals with renaissance thought and especially with the role of law during this historical period. The cultural importance of Prague under Rudolf II reached its zenith, when it became one of the centres of European mannerism. This increased the importance of the Czech aristocracy and Czech administrative personnel at his court.

The influence of humanism on the development of legal thinking of this time is traditionally divided into internal and external area. The authors stress that "The external area means appointing humanists into positions, from which they could influence legal practice, such as: higher municipal or central clerks. These positions required individuals with basic qualification, which was not formally required at that time. As soon as humanism prevailed, such persons began to show interest in positions, from which they could immediately influence and create legal practice. The internal influence of humanism was manifested directly in legislative actions" (pp. 108, 110).

Due to its political, confessional and economic focus, the society and most of all the court during the rule of Rudolf II needed the services of many educated men for municipal as well as extensive patrimonial administration. The level of education apart from personal means was also one of the factors that separated the political elite from the rest of the population and opened the doors to the higher levels of society for those of lesser means.

Also the lifestyle of the aristocracy changed dramatically. One of the primary social requirements for an aristocrat of that time was education. Bigger families had their private teachers, many of whom were great scholars. University education in the area of law was a necessity even if not based on legal requirements. Students were often forced to study abroad as the Charles University at that time consisted only of the Faculty of Arts. Self-study was also one of the means of acquiring knowledge for those less privileged or those active in judicial bodies. The importance of education and high level of intellectual knowledge of the individual members of administrative bodies is well documented in this book.

The book itself is divided into five chapters, followed by the summary of literature, resume and name index. The first chapter "The Birth of Humanism" focuses on the development of humanism in Europe as well as in the Czech lands. The second chapter "University Education under Rudolf II" deals with university studies in the Czech lands that was represented by the Charles university and with universities abroad. Quite often sons of aristocratic families studied abroad in Italy, France and Germany, which helped to acquire not only knowledge but also to form friendships as well as political contacts among their contemporaries across Europe. The third chapter "Courts, Advocates, Notaries under Rudolf II" deals with the judicial system, especially with the system of courts of law during the era of Rudolf's reign. It is then that jurists employed their knowledge and education to its full. The fourth chapter "Selected Personalities of Rudolfine period" is dedicated to the important persons of the 16th and early 17th century, educated in law. The authors of the book offer the reader brief biographies of thirty jurists of that time. One of the most important of them was Václav Budovec from Budov who was an important lawyer and politician of this age. He held many important positions at the court, unfortunately he was executed together with other members of the estates rebellion in 1621. Among others we find here such names as Jan Kocín from Kocín, Pavel Skála from Zhoře, Jakub Menšík from Menštejn and of Pavel Kristian Koldin, who was the author of the codification of town laws adopted in the late 16th century. The authors collected a lot of data on less known officials from all parts of country which is one of the assets of the book. Each biography is supplemented by

a short example of their work in czech language that documents the high literary qualities of the language of the renaissance. The coats of arms of each of these humanist members of the nobility completes each short biography.

This book is therefore also an anthology of its kind that aims to introduce to the reader, at least partially, the contribution of these jurists to the high legal culture of the Czech lands.

Petra Skřejpková*

Adamová, Karolina, Sýkora, Antonín. Dědické zemské právo v české historii. Ostrava: KEY Publishing, 2013, 128 s. [Inheritance Law within Landrecht in Czech history. Ostrava: KEY Publishing, 2013, 128 pp.]

Karolina Adamová and Antonín Sýkora enriched the book market, after many years, by publication in the field of medieval legal history. The book was published by the reputable Ostrava - Brno publisher KEY Publishing in co-edition with The European Society for History of Law.

History of the Inheritance law belongs to the branch of private law which is not understood well. For this reason any step in this direction is very welcome. Therefore the authors tried to fill this gap and using all the historical sources they show the picture of the Inheritance law in changes from the beginning of its legislation until 17th century or more precisely until amendments of Landesordnung in the middle of the 17th century.

The authors focused their research only towards the nobility Landrecht. They deliberately neglected the City rights and justified it by excessive thematic range. It goes to the detriment of the book. This publication is only so comprehensive view of the development of the Czech Landrecht Inheritance law from the 12th century or Statutes of Konrád until the release of Amendments and Deklaratoria to the Landesordnung.

The book is divided into ten chapters in which in addition to an introduction and overview of sources and literature, the authors deal gradually with each epoch. First they analyze sources until 1497 it continues with the interpretation until 1627. The authors set aside the issue of the rights of Testament in practice of 16th and 17th century. It is followed by a detailed analysis of inheritance rights established in Landesordnung. Very interesting is even just the interpretation of the special Inheritance rights for women.

The book is based on a critical study of legal sources and the authors search for answers according to the scheme: the testator, the manifestation of the will, the object of succession, the limitation of the will by the testator (compulsory part) and finally the testamentary order.

If we look into the content of the work we find that the authors gradually paying attention to the Privilege of Vladislav II. Jagelonsky, to the reflection of testamentary practice before the establishment of Vladislavsche Landesordnung in the work of Všehrd and finally also to the establishment of Verneuerte Landesordnung as Amendments and Deklaratoria that bring elements of Roman Law and thus represent a major milestone in the development of this branch of the law. Finally an Epilogue is attached to the text that pays attention to adjustment of Inheritance rights by the Austrian General Civil Code (ABGB) in 1811 and subsequent regulations. In fact they tried to outline the development up to now in abbreviated form. They also pointed to the fact that there is complete lack of a more comprehensive view of the development of Inheritance law not only in the Middle Ages but even after the ABGB. The filling of this gap would be needed due to the new Civil Code which is in many ways returning to modify the 1811.

Unfortunately the authors limited their research not only in terms of the medieval legal particularism to the law of nobility - thus completely ignoring the City rights but the book is fundamentally

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